

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : FRICKE et al.  
Serial No. : 10/554,715  
Confirm. No. : 9521  
Filed : October 27, 2005  
For : SURGICAL FLAT IMPLANT  
Art Unit : 3773  
Examiner : Alexander J. Orkin  
Dated : November 10, 2009

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.136 (a)**

Sir:

The Office Action dated July 16, 2009 provided for a shortened statutory period for response of three months.

The shortened statutory period expired October 16, 2009.

Since the attached response is being filed within the first month pursuant to 37 CFR 1.136(a) Applicant respectfully requests the Examiner to charge the appropriate petition fee of \$130.00 (fee code 1251).

Respectfully submitted  
for Applicant(s),



By: \_\_\_\_\_  
John James McGlew  
Reg. No.: 31,903  
For: McGLEW AND TUTTLE, P.C.

JJM/BMD:tf

DATED: November 10, 2009  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND  
TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO  
OUR DEPOSIT ACCOUNT 13-0410.